

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR221
)	
v.)	
)	
ALVIN G. MORRIS, JR.,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on the defendant, Alvin G. Morris. Jr.'s ("Morris"), motion to modify or correct an imposed term of imprisonment pursuant to 18 U.S.C. § 3582(C)(2), Filing No. 35, and his motion for modification of reduction of sentence pursuant to U.S.C. § 3582 (C)(2), Filing No. 38. On January 21, 2005, Morris plead guilty to one count of conspiracy to possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and was sentenced to a term of imprisonment of 120 months. Under 21 U.S.C. § 841(b)(1)(A)(iii), the defendant is subject to a ten (10) year minimum sentence and, therefore, his sentence of 120 months is the lowest possible sentence under the requirements of the statute. The recent changes to the sentencing guidelines do not permit the court to enter a sentence lower than the statutory requirements, and thus, the defendant's motions for sentence reduction are denied.

IT IS ORDERED:

1. The defendant Morris's motion to modify or correct an imposed term of imprisonment pursuant to 18 U.S.C. § 3582(C)(2), Filing No. 35, is denied.

2. The defendant Morris's motion for modification of reduction of sentence pursuant to U.S.C. § 3582 (C)(2), Filing No. 38, is denied.

DATED this 21st day of May, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge